MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JANUARY 29, 2010

(Published February 6, 2010, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

January 29, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Gordon, Reich, Hofstede, President Johnson.

Absent - Council Member Samuels.

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to include notice of City Council meeting Adjournment to Room 315, City Hall, for the purpose of discussing the matter of *Lemon v. City of Minneapolis*, Hennepin County District Court File No. 27CV08-11976. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

Goodman moved to amend the agenda to include under "New Business" ordinance introductions relating to the Zoning Code. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

The agenda, as amended, was adopted 1/29/2010.

Absent - Samuels.

Lilligren moved acceptance of the minutes of the regular meeting of January 15, 2010. Seconded. Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):

NEIGHBORHOOD SERVICES DEPARTMENT (274012)

Open Appointments Process for City of Minneapolis boards and commissions.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274013)

Children's Hospitals & Clinics of MN: Preliminary & final approval to issue bonds as joint issuance with St. Paul Housing & Redevelopment Authority for Mpls & St Paul campuses.

2010 Preliminary Planning Fund Allocations.

MacPhail Center for Music: Governmental Program & annual budget for 2009-2010.

Forecast Public Art: Temporary license agreement for art installation on City-owned property.

Jerome Boxleitner Place Project: Amendment to Redevelopment Contract between the City & CHDC Boxleitner LLC.

2009 Affordable Housing Trust Fund Project: Approve funds for Project for Pride in Living's Northside Community Redevelopment Project.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274014)

2007 Affordable Housing Trust Fund: Report on Alliance Housing's Scattered Site Rehab removal of 2103-2nd Ave S.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274015)

Tax Credit Exchange Program Funds: Acceptance of MN Housing Finance Agency funds for Near North ReCapitalization & Clare Midtown Housing projects.

Revolving Loan Funds Programs: Guideline changes.

MN Department of Employment & Economic Development Redevelopment Grant Program: Submittal of grant application for Upper Harbor Terminal Stormwater Management Project.

U.S. Environmental Protection Agency Grant: Acceptance of brownfield grant funds for environmental site assessments/investigations.

PUBLIC SAFETY AND HEALTH and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (274016)

East African Area Studies Group Conference: Execute agreement with Millennium Hotel for Police Department sponsored conference to focus on East African law enforcement issues.

Bomb Disposal Unit: Execute grant agreement with Minnesota Homeland Security and Emergency to receive \$50,000 for planning, training and equipment; and approve appropriation.

Violent Offender Task Force: Accept \$25,000 and execute grant agreement with United States Department of Homeland Security, Immigration and Customs Enforcement Office (ICE), to support investigative resources of Task Force; and approve appropriation.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

CITY CLERK (274017)

Rental Dwelling License at 607 Erie St SE: Licensee exhibits from appeals hearing; and Licensee's proposed remedy and statement of the case.

LICENSES AND CONSUMER SERVICES (274018)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274019)

Northeast Social Club (359 13th Av NE): Approve License Settlement Conference recommendations relating to On-Sale Wine Class C-2 with Strong Beer License.

James on Broadway Car Wash (1524 W Broadway): Approve License Settlement Conference recommendations relating to Car Wash License.

LICENSES AND CONSUMER SERVICES (274020)

Sporty's Pub & Grill (2124 Como Av SE): Grant Sidewalk Cafe License.

Target Field (3535th St N): Grant Off-Sale Liquor License and On-Sale Liquor Class A with Sunday Sales License.

42nd Avenue Ballroom (705 42nd Av N): Approve Business Operating Conditions.

REGULATORY SERVICES (274021)

Rental Dwelling License at 3620 Longfellow Av: Approve license reinstatement to be held by Nicholas Jejel.

Property at 1111 28th Ave NE: Authorize rehabilitation of property, subject to conditions.

Lemonade Day for Young Entrepreneurs: Declare May 2, 2010 as Lemonade Day.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274022)

Solar Development and Solar Services at Convention Center: Negotiate and execute Solar Services Agreement (including associated site lease agreement) with Best Power International, LLC, for solar development and solar services; Authorize petition the Office of Energy Security and the Public Utilities Commission to re-designate the City as the sole recipient of a \$2 million Renewable Development Fund Grant for the proposed project; and If successful, accept the grant and draft and execute the appropriate agreements.

RULES:

ATTORNEY (274023)

Amend City Council Rules: Nos 4, 11, and 19.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274024)

Bicycle related trips to Portland, Oregon, and the Netherlands, Germany, and Denmark: Update. Bike Walk Ambassador Program: Update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274025)

 $Uniform \, Assessment \, Rates \, for \, Street \, Construction, \, Renovation, \, Resurfacing, \, and \, Alley \, Resurfacing; \, Establish \, 2010 \, rates.$

Special Assessment Deferment Applications: a) 5054 30th Ave S; b) 5600 39th Ave S; and c) 3834 Lyndale Ave N.

I-35W and Lake St Transit Station and Access Improvement: Cooperative Agreement with Hennepin County.

Chicago Ave Phase III Reconstruction Project No 6382 (8th St S to Franklin Ave): Project designation and cost estimate.

Graffiti Abatement Services: Issue Request for Proposals.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274026)

Capital Project Close-Outs: Receive final costs of Paving and Bridge Operations, and reallocate Net Debt Bonds.

Hennepin County Sentencing to Service Program: Three-year contract.

Areaway Abandonment at 250 3rd Ave N: Change orders with Results Corporation.

Victory Memorial Parkway: Accept grant funding from Metropolitan Council.

Bids: a) OP 7204, Accept low bid of Thane Hawkins Polar Chevrolet, Inc, for 2010 Aerial Platform Truck; b) OP 7229, Accept low bid of Highway Technologies, Inc, for rental work zone traffic devices;

c) OP 7234, Accept low bid of Veit and Company, Inc, for the disposal of clean fill and asphalt; and d) OP 7230, Accept apparent low bid of Lunda Construction Co, for the rehabilitation of the Camden Bridge.

WAYS AND MEANS BUDGET (See Rep):

911 DEPARTMENT (274027)

Gift Donation: Accept donation for travel and lodging expenses from Higher Ground, Inc.

ATTORNEY (274028)

Unallotment Case: File an Amicus Brief in support of district court opinion in the Appeal of the Case of Brayton, et al. v. Pawlenty, et al.

Downtown Improvement District: Execute contract to implement a downtown chronic offender prosecution program; and establish new Assistant City Attorney I position.

BUSINESS INFORMATION SERVICES (BIS) (274029)

Port Security Camera System: a) Execute contract with Pro-Tec Design for build out; and b) Increase contract C-23781 with USI Wireless to expand Wi-Fi network along the Port Authority and Mississippi River corridor.

NEIGHBORHOOD AND COMMUNITY RELATIONS (274030)

Bush Foundation: Accept grant for Immigrant and Refugee Engagement Initiative.

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (274031)

Mayoral and Council Appointments to Minneapolis Arts Commission

FILED:

ATTORNEY (274032)

Cable Franchise Agreement between City of Minneapolis, Minnesota and Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc.; Indefeasible Right of Use agreement regarding the existing "Alternative Network"; and Indefeasible Right of Use agreement of Certain Dark Fibers.

PUBLIC WORKS AND ENGINEERING (274033)

Street Light / Street Maintenance Fee: Zion Baptist Church correspondence re 1615 Thomas PI N.

The following reports were signed by Mayor Rybak on February 3, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE Committee submitted the following reports:

Comm of the Whole - Your Committee, having under consideration the recommendation of staff to approve the work to streamline the City of Minneapolis' open appointments by process by making City appointments two times a year through formal City Council and Mayoral processes, including provisions for an interim process to be used as needed, as set forth in the Neighborhood and Community Relations Department staff report.

Adopted 1/29/2010.

Absent - Samuels.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Children's Hospitals and Clinics of Minnesota project as part of a joint issuance by the City of

Minneapolis and The City of St. Paul Housing and Redevelopment Authority to finance modernization and expansion projects at the Minneapolis (2525 Chicago Ave) and St. Paul (345 N Smith St) campuses, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$94,625,000 in 501(c)(3) Tax-exempt Revenue Bonds for said project.

Adopted 1/29/2010. Absent - Samuels. Approved by Mayor Rybak 1/29/2010. (Published 2/2/2010)

Resolution 2010R-023, authorizing the issuance, sale and remarketing of revenue bonds of The City of Minneapolis and The Housing and Redevelopment Authority of The City of St. Paul on behalf of Children's Health Care (re Minneapolis campus at 2525 Chicago Ave and St. Paul campus at 345 N Smith St), and the execution of documents, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-023 By Goodman

Authorizing the issuance, sale and remarketing of revenue bonds of The City of Minneapolis and The Housing and Redevelopment Authority of The City of Saint Paul on behalf of Children's Health Care and the execution of documents.

Whereas, this Council has received a proposal from Children's Health Care, a Minnesota nonprofit corporation (the "Corporation"), that the City of Minneapolis (the "City"), acting jointly with the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA," and together with the City, the "Issuer"), issue its revenue bonds (the "Series 2010 Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act"), in one or more series, for the purposes of financing or reimbursing to the Corporation a portion of the costs of (a) the acquisition, construction and equipping of certain improvements to Children's-Minneapolis, which is owned by the Corporation and consists of a hospital and other health care related facilities on a campus located at 2525 Chicago Avenue in the City of Minneapolis, including upgrading facilities to provide private patient rooms with full baths, retrofitting operating rooms to accommodate technology improvements, construction of a new neonatal intensive care unit and pediatric intensive care unit and relocation of the emergency department (the "Minneapolis Project"), (b) improvements to and remodeling of a portion of St. Paul-Children's, which is owned by the Corporation and consists of a hospital and other health care related facilities on a campus located at 345 North Smith Avenue in the City of St. Paul, and the acquisition and installation of equipment therein, including remodeling of the entrance, remodeling of operating rooms, an expansion of the emergency department, relocation of the pediatric epilepsy unit and provision of private patient rooms with private baths (the "St. Paul Project"), (c) certain costs of issuance of and capitalized interest, if any, on the Series 2010 Bonds; (d) certain costs of remarketing the Remarketed Bonds, as defined hereinafter and (e) financing a reserve fund for the Series 2010 Bonds and Remarketed Bonds, if any (such costs collectively, the "Project"); and

Whereas, at a public hearing, duly noticed and held on January 19, 2010, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal that the Issuer issue the Series 2010 Bonds to finance the Project and consent to the conversion to a fixed rate of interest and associated remarketing of the Issuer's Health Care Revenue Bonds (Children's Health Care), Series 1995B (the "Series 1995B Bonds") and a portion of its Health Care Facilities Revenue Bonds (Children's Hospitals and Clinics), Series 2004A (the "Remarketed Series 2004A Bonds"; together with the Series 1995B Bonds, the "Remarketed Bonds"), all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Project and remarket the Remarketed Bonds, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$50,000,000 aggregate principal amount of the Series 2010 Bonds in one or more series under the authority contained in the Act to finance the Project would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing the City and surrounding area with necessary healthcare facilities, is in the best interest of the City, and the City hereby determines to issue and sell such Series 2010 Bonds, and the City hereby approves the remarketing of the Remarketed Bonds; and

Whereas, in connection with the issuance of the Series 2010 Bonds, the City and the HRA will enter into a Joint Powers Agreement (the "Joint Powers Agreement"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and Whereas, the proceeds of the Series 2010 Bonds will be lent (the "Lean") by the Jesuer to the

Whereas, the proceeds of the Series 2010 Bonds will be lent (the "Loan") by the Issuer to the Corporation, in order to finance the Project; and

Whereas, pursuant to a Loan Agreement (the "Series 2010 Loan Agreement"), to be entered into between the City, the HRA and the Corporation with respect to the Series 2010 Bonds, a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, the Corporation will issue to the City and the HRA its Note or Notes (whether one or more, the "Series 2010 Notes"). The Series 2010 Notes will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of September 1, 1995, between the Corporation and U.S. Bank National Association, formerly known as First Trust National Association, as trustee (the "Master Trustee"), as supplemented and amended by a Supplemental Indenture ("Supplemental Indenture") to be entered into between the Corporation and the Master Trustee. Under the Series 2010 Notes the Corporation, and other members of the Obligated Group under the Master Indenture, will unconditionally agree to repay the Loan made by the Issuer under the Series 2010 Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Series 2010 Bonds, when due. In addition, the Series 2010 Loan Agreement contains provisions relating to the payment by the Corporation of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fees of the City and the HRA, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and the HRA and the Corporation deem necessary or desirable for the sale of the Series 2010 Bonds; and

Whereas, pursuant to a Trust Indenture (the "Series 2010 Bond Indenture") to be entered into between the City, the HRA and U.S. Bank National Association (the "Series 2010 Bond Trustee") with respect to the Series 2010 Bonds, a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, the Issuer assigns and pledges all of its right, title and interest in the Series 2010 Loan Agreement (other than the right of the Issuer for indemnification and administrative expenses), the Series 2010 Notes, the Master Indenture and the Supplemental Indenture to the Series 2010 Bond Trustee. In addition, the Series 2010 Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Series 2010 Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the Issuer and the Corporation deem necessary or desirable in connection with the sale of the Series 2010 Bonds; and

Whereas, the Series 2010 Bonds will be special, limited obligations of the Issuer payable solely from amounts payable by the Corporation and other members of the Obligated Group under the Master Indenture under the Series 2010 Notes, other than to the extent payable from the proceeds of the Series 2010 Bonds. The Series 2010 Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City or the HRA be subject to any liability thereon. No holder or holders of any Series 2010 Bond shall ever have the right to compel any exercise of the taxing power of the Issuer to pay any such Series 2010 Bond or the interest thereon, nor to enforce payment thereof against any property of the Issuer except the Series 2010 Notes. The Series 2010 Bonds shall not constitute a debt of the Issuer within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Series 2010 Bonds will be purchased from the Issuer by Piper Jaffray & Co. (the "Underwriter") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City, the HRA, the Corporation and the Underwriter, a copy of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, the Series 1995B Bonds were issued pursuant to an Amended and Restated Bond Trust Indenture dated as of August 15, 2004, as amended by a First Supplemental Trust Indenture dated as of April 1, 2008, each by and between the Issuer and U.S. Bank National Association (the "Series 1995B Bond Trustee"), as bond trustee (the "Original 1995B Bond Indenture"), and the proceeds of the Series 1995B Bonds were loaned by the Issuer to the Corporation pursuant to an Amended and Restated Loan Agreement dated as of August 15, 2004, by and between the Issuer and the Corporation (the "Original 1995B Loan Agreement"); and

Whereas, in connection with the conversion of the Series 1995B Bonds to a Fixed Rate, as defined in the Original 1995B Bond Indenture, the Corporation has proposed that the Issuer and the Series 1995B Bond Trustee enter into a Second Supplemental Trust Indenture (the "Series 1995B Supplement") amending and supplementing the Original 1995B Bond Indenture, a form of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, and has proposed that the Issuer and the Corporation enter into a First Amendment to Loan Agreement (the "Series 1995B Amendment") amending and supplementing the Original 1995B Loan Agreement, a form of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, the Remarketed Series 2004A Bonds were issued, together with certain other obligations, pursuant to a Bond Trust Indenture dated as of August 15, 2004, as amended by a First Supplemental Trust Indenture dated as of March 1, 2008, each by and between the Issuer and U.S. Bank National Association (the "Series 2004A Bond Trustee"), as bond trustee (the "Original 2004A Bond Indenture"), and the proceeds of the Remarketed Series 2004A Bonds were loaned by the Issuer to the Corporation, together with the proceeds of certain other obligations, pursuant to a Loan Agreement dated as of August 15, 2004, by and between the Issuer and the Corporation (the "Original 2004A Loan Agreement"); and

Whereas, in connection with the conversion of the Remarketed Series 2004A Bonds to a Fixed Rate, as defined in the Original 2004A Bond Indenture, the Corporation has proposed that the Issuer and the Series 2004A Bond Trustee enter into a Second Supplemental Trust Indenture (the "Series 2004A Supplement") amending and supplementing the Original 2004A Bond Indenture, a form of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, and has proposed that the Issuer and the Corporation enter into a First Amendment to Loan Agreement (the "Series 2004A Amendment") amending and supplementing the Original 2004A Loan Agreement, a form of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary.; and

Whereas, a draft of an Official Statement, related to the Series 2010 Bonds and Remarketed Bonds (together, the "Bonds"), has been made available to the Council prior to this meeting and has been reviewed to the extent deemed necessary. The Official Statement will be distributed by the Underwriter to potential purchasers of the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. In order to finance the Project, the City hereby authorizes the issuance of the Series 2010 Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$50,000,000 (exclusive of any portion representing original issue discount). The City Finance Officer is hereby authorized to approve the purchase price of the Series 2010 Bonds, provided that the purchase price equals or exceeds 98% of the principal amount of the Series 2010 Bonds less any portion of such principal amount which represents original issue discount; the aggregate principal amount of the Series 2010 Bonds, provided that such principal amount is not in excess of \$50,000,000 (exclusive of any portion representing original issue discount); the maturity schedule of the Series 2010 Bonds, provided that the Series 2010 Bonds mature at any time or times in such amount or amounts not exceeding 40 years from the date of issuance thereof; the provisions for prepayment and redemption of the Series 2010 Bonds prior to their stated maturity; and the interest rates for any series of Series 2010 Bonds, provided that no interest rate exceeds 7.00% per annum. Such approval shall be conclusively

evidenced by the execution of the Bond Purchase Agreement as provided herein. The issuance of the Series 2010 Bonds is subject to the approval by the Minnesota Department of Employment and Economic Development as required by the Act.

- The City hereby consents to the conversion to a fixed rate of interest and associated remarketing of the Remarketed Bonds.
- 3. Each Bond, as initially issued or as amended and restated in connection with the remarketing thereof, shall be executed on behalf of the City by the manual or facsimile signature of the City Finance Officer. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. U.S. Bank National Association is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any officer who shall have signed any of the Bonds shall cease to be an officer of the City before the Bonds so signed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person who signed such Bonds had not ceased to be such officer of the City.
- 4. The Joint Powers Agreement, the Series 2010 Bond Indenture, the Series 2010 Loan Agreement, the Series 1995B Supplement, the Series 1995B Amendment, the Series 2004A Supplement and the Series 2004A Amendment, are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form made available prior to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Joint Powers Agreement, the Series 2010 Bond Indenture, the Series 2010 Loan Agreement, the Series 1995B Supplement, the Series 1995B Amendment, the Series 2004A Supplement and the Series 2004A Amendment on behalf of the City with such changes, insertions and omissions therein as do not change the substance of such documents and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the documents named herein.
- 5. The City hereby consents to the distribution by the Underwriter of the Official Statement to potential purchasers or purchasers of the Bonds in substantially the form made available to the Council at this meeting. The City has not and will not participate in the preparation of the Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.
- 6. The Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form made available prior to this meeting and, upon the determination of the terms of the Series 2010 Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by the Corporation and the Underwriter, the City Finance Officer is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Purchase Agreement.
- 7. The City Finance Officer is hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Joint Powers Agreement, the Series 2010 Bond Indenture, the Series 2010 Loan Agreement, the Series 1995B Supplement, the Series 1995B Amendment, the Series 2004A Supplement and the Series 2004A Amendment and the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.
- 8. In the absence or disability of the City Finance Officer, the Assistant City Finance Officer or such other officer of the City as, in the opinion of the City Attorney, may act on his behalf, may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.
- 9. The City Finance Officer is hereby designated for all purposes of the Joint Powers Agreement, the Series 2010 Bond Indenture, the Series 2010 Loan Agreement, the Series 1995B Supplement, the Series 1995B Amendment, the Series 2004A Supplement and the Series 2004A Amendment and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Joint Powers Agreement, the Series 2010 Bond Indenture, the Series 2010 Loan Agreement, the Series 1995B Supplement, the Series 1995B Amendment, the Series 2004A Supplement and the Series 2004A Amendment and the Bond Purchase Agreement.

- 10. The Series 2010 Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.
 - 11. This resolution shall take effect upon publication.

Adopted 1/29/2010.

Absent - Samuels.

Approved by Mayor Rybak 1/29/2010.

Comm Dev - Your Committee recommends approval of the 2010 Preliminary Planning Fund allocations, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 1/29/2010.

Absent - Samuels.

Comm Dev - Your Committee, having under consideration the MacPhail Center for Music 2009 Annual Report and continued operation of the Governmental Program at the MacPhail Center for Music facility at 501 S 2nd St for fiscal year 2009-2010, now recommends approval of the budget and governmental program as set forth in the Department of Community Planning & Economic Development staff report, and passage of the accompanying resolution approving the same.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-024, approving the governmental program and annual budget for the operation of the MacPhail Center for Music facility in Minneapolis (501 S 2nd St) for fiscal year 2009-2010, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-024 By Goodman

Approving the governmental program and annual budget for the operation of the MacPhail Center for Music facility in Minneapolis for fiscal year 2009-2010.

Whereas, Minnesota Laws 2006, Chapter 258, Article 1, Section 4, Subdivision 4, authorizes the City of Minneapolis to undertake the design, construction and operation of the MacPhail Center for Music facility; to establish the MacPhail Center for Music facility as a governmental program providing music education, music therapy, and music education programming in public and private schools and in partnership with other organizations; and to appropriate funds for such purposes; and

Whereas, in 2006 the City accepted a \$5,000,000 bond grant from the State of Minnesota to design, construct, furnish and equip the MacPhail Center for Music facility in the City of Minneapolis; and

Whereas, to satisfy conditions of the State bond grant, the City must own or ground lease the MacPhail Center for Music facility, and enter into a use/lease agreement with MacPhail Center for Music under which it will take on the responsibility for the operation of the musical institution and the governmental program at the facility; and

Whereas, on July 21, 2006, the City Council adopted the governmental program to be achieved by the City's sponsorship of the MacPhail Center for Music facility to construct, equip and operate a music education center that includes studios, classrooms, and a performance hall, together with education programming, other cultural performances, and related and ancillary uses in the City of Minneapolis, pursuant to which the City expects to support cultural participation and encourage economic development and tourism; and

Whereas, pursuant to the State bond grant the City is required to annually report to the State on the operation of the MacPhail Center for Music facility and approve its continued use for the governmental program; and

Whereas, pursuant to the use/lease agreement MacPhail Center for Music has submitted annual current and projected budgets for the operation of the governmental program at the MacPhail Center for Music facility to the City; and

Whereas, the City's Department of Community Planning and Economic Development (CPED Department) Director has reviewed and approved the budgets for the operation of the governmental program at the MacPhail Center for Music facility submitted by MacPhail Center for Music to the City and found (i) that the current governmental program budget forecast for the 2009-2010 fiscal year shows revenues that are equal to or exceed expenses; (ii) that the projected governmental program budgets for the next 3 fiscal years (2010-2011, 2011-2012 and 2012-2013) forecast revenues that are equal to or exceed forecast expenses; and (iii) that the operation of the MacPhail Center for Music facility by MacPhail Center for Music continues to meet the requirements of the governmental program;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That based on the reports and documents submitted by MacPhail Center for Music, the review performed by City staff and the findings of the CPED Department Director, the City Council finds (i) that the current MacPhail Center for Music facility governmental program budget forecast for the 2009-2010 fiscal year shows revenues that are equal to or exceed expenses; (ii) that the projected MacPhail Center for Music facility governmental program budgets for the next 3 fiscal years (2010-2011, 2011-2012 and 2012-2013) forecast revenues that are equal to or exceed forecast expenses; and (iii) that the operation of the MacPhail Center for Music facility by MacPhail Center for Music continues to meet the requirements of the governmental program.

Be It Further Resolved that the City Council hereby approves and authorizes the continued use of the governmental program at the MacPhail Center for Music facility by MacPhail Center for Music for the fiscal year 2009-2010.

Be It Further Resolved that this resolution shall be in full force and effect from and after its passage. Adopted 1/29/2010.

Absent - Samuels.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into a temporary license agreement, and other agreements as necessary, with Forecast Public Art for a temporary art installation to be attached to the Washington Ave and Chicago Ave facades of the Cityowned Riverfront Parking Ramp, with potential installation in June or July of 2010, as described in the Department of Community Planning & Economic Development staff report.

Absent - Samuels.

Adopted 1/29/2010.

Comm Dev - Your Committee recommends approval of the 2009 Affordable Housing Trust Fund (AHTF) recommendation to approve a total of up to \$610,600 from the AHTF for the Project for Pride in Living's Northside Community Redevelopment Project (a/k/a Northside Recap Project) at 610, 1123 and 1119 Logan Ave N; 909, 913, 914 and 920 Oliver Ave N; 1027, 1220, and 1230 Morgan Ave N.

Adopted 1/29/2010.

Absent - Samuels.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute an amendment to that certain Redevelopment Contract by and between the City of Minneapolis and CHDC Boxleitner LLC regarding the redevelopment of the J. Jerome Boxleitner Place Project at 165 Glenwood Ave, extending development requirements through May 31, 2010, as specified in the Department of Community Planning & Economic Development staff report.

Adopted 1/29/2010.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and appropriate Tax Credit Exchange (1602) Program funds awarded from the Minnesota Housing Finance Agency (MHFA) in the amount of \$1,279,386 for the Near North Recapitalization project and \$1,279,395 for the Clare Midtown Housing project, and that the proper City officers be authorized to execute loans, subrecipient and/or disbursement and related agreements for these grants.

Your Committee further recommends passage of the accompanying resolution appropriating said funds to the Department of Community Planning & Economic Development.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-025 By Goodman and Hodges

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Transfer from Federal Grants Fund (01300-89000220) by \$2,558,781 and increasing the revenue source (01300-89000220) by \$2,558,781.

Adopted 1/29/2010.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration amendments to the Revolving Loan Funds Programs as described in the report of the Department of Community Planning & Economic Development (CPED), now recommends:

- a) Approval of the proposed Revolving Loan Fund Program guideline changes relating to updating terminology used in revolving loan guidelines and lender agreements and removing the "2%" from the name of the "2% Revolving Loan Program," as set forth in Exhibit A of the report;
- b) Approval of the proposed Commercial Corridor/Commercial Node 2% Revolving Loan Fund guideline changes, expanding them to include building and site improvements that fall under the category of energy conservation and energy retrofits as set forth in Exhibit B of the report;
- c) Passage of the accompanying resolution delegating authority to the Director of CPED to make and execute Lender Agreements for the Revolving Loan Fund Program and the Commercial Corridor/Commercial Node 2% Revolving Loan Fund Program as permitted by the City Charter; and
- d) That the 2009 loan portfolio and delinquency information included in the report be received and filed.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-026, delegating authority to make and execute Lender Agreements consistent with Revolving Loan Fund Program Guidelines and Commercial Corridor Nodes 2% Revolving Loan Fund Program Guidelines, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-026 By Goodman and Hodges

Delegating authority to make and execute Lender Agreements consistent with Revolving Loan Fund Program Guidelines and Commercial Corridor Nodes 2% Revolving Loan Fund Program Guidelines.

Resolved by The City Council of The City of Minneapolis:

Pursuant to City Charter, Chapter 4, Section 25, authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or their designee, the Manager of Business Finance for CPED to make and execute Lender Agreements not to exceed the City Council authorized appropriation for the Revolving Loan Fund Program guidelines (formerly the 2% Revolving Loan Fund Program) and the Commercial Corridor/Commercial Nodes 2% Revolving Loan Fund Program guidelines respectively and for a maximum term of ten (10) years.

Adopted 1/29/2010.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the appropriate City staff to submit an application to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for the Upper Harbor Terminal Stormwater Management Project.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-027, authorizing application to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for the Upper Harbor Terminal Stormwater Management Project, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-027 By Goodman and Hodges

Authorizing application to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for the Upper Harbor Terminal Stormwater Management Project.

Whereas, the City of Minneapolis intends to act as the legal sponsor for the following project that will be more completely described in the Redevelopment Grant application to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by February 1, 2010: Upper Harbor Terminal Stormwater Management Project; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capacity to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the application are (or are expected to be) committed to the identified project; and

Whereas, the City has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of its application, the City may enter into an agreement with the State of Minnesota for the above-referenced project and will comply with all applicable laws and regulations as stated in said agreement;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director or Deputy of the Department of Community Planning and Economic Development to apply to the Minnesota Department of Economic Development for Redevelopment Program grant funding for the above-referenced project, and that the City's Finance Officer, Contracts Administrator or Purchasing Agent and/or other duly authorized City staff are hereby authorized to execute any agreement that may be necessary to implement the project.

Adopted 1/29/2010.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and appropriate United States Environmental Protection Agency brownfield grant funds in the amount of \$400,000 to be used for environmental site assessments/investigations, and to execute grant, subrecipient and/or disbursement and related agreements for these grants.

Your Committee further recommends passage of the accompanying resolution appropriating said funds to the Department of Community Planning & Economic Development.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-028 By Goodman and Hodges

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants Federal Fund (01300-8900320-801601) by \$400,000 and increasing the revenue source (01300-8900900-321008) by \$400,000.

Adopted 1/29/2010.

Absent - Samuels.

The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Millennium Hotel, in the amount of \$14,556, for the Police Department to sponsor the 5th Annual East African Area Studies Group Conference to focus on East African law enforcement issues. The conference will be funded with registration fees from the conference participants and from the Minnesota Joint Analysis Center.

Adopted 1/29/2010.

Absent - Samuels.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with Minnesota Homeland Security and Emergency Management to receive \$50,000 for planning, training and equipment for the Police Department's Bomb Disposal Unit. Further, passage of the accompanying resolution appropriating \$50,000 to the Police Department.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-029 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002750) by \$50,000 and increasing the Revenue Source (01300-4002750-321010) by \$50,000.

Adopted 1/29/2010.

Absent - Samuels.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$25,000 and execute a grant agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) Office to support the investigative resources of the Police Department's Violent Offender Task Force. Further, passage of the accompanying resolution appropriating \$25,000 to the Police Department.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-030 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4003130) by \$25,000 and increasing the Revenue Source (01300-4003130-321010) by \$25,000.

Adopted 1/29/2010.

Absent - Samuels.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E-Your Committee, having under consideration the application of Johnnie Entertainment LLC, dba Sporty's Pub & Grill, 2124 Como Av SE, for a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/29/2010.

Absent - Samuels.

RE&E - Your Committee, having under consideration the application of Minnesota Sportservice LLC, dba Target Field, 353 5th St N, for an Off-Sale Liquor License (new business) to expire January 1, 2011 and an On-Sale Liquor Class A with Sunday Sales License (new business), and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/29/2010.

Absent - Samuels.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Rental Hall License held by 42nd Avenue Ballroom, 705 42nd Av N.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-031, approving Business License Operating Conditions relating to the Rental Hall License held by 42nd Avenue Ballroom, 705 42nd Av N, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-031 By Glidden

Approving Business License Operating Conditions relating to the Rental Hall License held by 42nd Avenue Ballroom, 705 42nd Av N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Rental Hall License held by 42nd Avenue Ballroom, 705 42nd Av N:

- 1. The licensee will not operate the Rental Hall after 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
- 2. The licensee will maintain the premises in a clean and sanitary manner and have the premises well ventilated and adequately lighted.
- 3. The licensee will provide a copy of the lease form utilized for the rental hall due at the signing of this agreement.
 - 4. A written, signed lease is required for all events for which a rental hall license is required.
- a. All lease agreements shall be kept on file at the licensed rental hall for a period of one year after the date of the event and made available to a license inspector or police officer upon request.
- b. All lease agreements shall be maintained along with and accompanied by the following information:
- 1. The name(s), telephone number(s) and residential address(es) of the person(s) leasing the rental hall and of the contact person for the event.
 - 2. The nature of the event and the estimated number of attendees.
- The hours during which the lessee has use of the rental hall and the specific hours of the event.
 - 4. The type and amount of entertainment offered/allowed by the lessee.
- 5. The licensee shall have a designated manager who is an employee of the licensee on the premises at all times the hall is utilized or leased.
- 6. The licensee shall provide one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et seq. at the rental hall premises for each fifty (50) guests at each and every event.
- 7. All events must be conducted in strict compliance with all applicable federal, state and local laws and ordinances including, but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.
- 8. The licensee shall take appropriate action to prevent violations of law by persons attending events for which a license is required. The licensee shall not allow persons engaging in disorderly or illegal behavior to enter or remain on the rental hall premises.
- The certificate of occupancy, occupant load certificate, hours of operation and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.
- 10. The licensee shall maintain general liability insurance in the following amounts, in full force and effect for the duration of the license: personal injury—\$200,000 per claim/\$600,000 aggregate; and property damage—\$50,000.
- 11. Unless also licensed pursuant to this chapter, the lessee of a rental hall shall not sublease the premises to any other person nor shall the rental hall licensee allow such subletting.
- 12. The licensee shall report to the respective police precinct all events involving both dancing by guests and live or recorded music, at least five business days prior to the event.
- 13. The licensee shall have no more than one event per month that maximum occupancy is reached and no more than two events weekly with occupancy at 250 or less.
- 14. The licensee shall not charge a cover charge or any kind of entry fee to individuals using the rental hall
- 15. The rental hall must not be open to the general public and shall be available for rental by individuals or groups for private meetings, parties, weddings, or similar occasions. Guest list should be maintained for each event and made available for review by licensing and police verification.

- 16. The licensee shall maintain, use, and have control over a surveillance camera that monitors and records the main entrance used by the International Ballroom for each time the Rental Hall is occupied by guests. The use of a surveillance camera shall meet all of the requirements listed in Minneapolis Ordinance 259.230.
- 17. Should a serious criminal incident involving felony-level violence occur on the licensed premises or within 100 feet of any entrance to the licensed premises with a demonstrable nexus and connection to any event occurring at the licensed premises the Director of Licenses and Consumer Services may require that the licensee install and utilize any reasonable security measure for similar future events, including but not limited to weapons screening devices or practices.
- 18. Security personnel will take measures to prevent and abate guest loitering on the sidewalk in front of the main entrance to the Ballroom.
 - 19. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 1/29/2010.

Absent - Samuels.

RE&E-Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-032, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-032 By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274018):

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2011

Great Suburban World Theatre LLC, dba Suburban World Theatre, 3022 Hennepin Av

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2011

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av (new corporate shareholder)

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2010

Moto-I, dba Moto-I, 2940 Lyndale Av S

On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2011

Bombay Vegan Inc, dba Dancing Ganesha, 1100 Harmon Pl

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2011

Ariza Enterprises LLC, dba Salsa A La Salsa Mexican Grill, 1420 Nicollet Av

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

Capital Grille Holdings Inc, dba Capital Grille of Minneapolis, 801 Hennepin Av (new corporate officer)

Temporary On-Sale Liquor

Basilica of St. Mary, dba Basilica of St. Mary Undercroft, 88 17th St N (Bingo fundraiser, February 16, 2010, 6:00 p.m. to 9:00 p.m.)

Temporary On-Sale Wine

Minnesota Opera, dba Minnesota Opera, 620 1st St N (January 21, 2010, 6:00 p.m. to 8:00 p.m., Donor Benefit Event, Minnesota Opera Center)

Off-Sale Beer, to expire April 1, 2010

Holiday Stationstores Inc, dba Holiday Stationstore #404, 601 5th St N (new business)

Temporary On-Sale Beer

City of Lakes Nordic Ski Foundation, dba City of Lakes Loppet, 1301 Theodore Wirth Parkway (February 6, 2010, 2:00 p.m. to 9:00 p.m.; and February 7, 2010, Noon to 3:00 p.m. at Uptown Mall). Adopted 1/29/2010.

Absent - Samuels.

RE&E-Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-033, granting applications for Business Licenses, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-033 By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 29, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274018):

Courtesy Bench; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Fire Extinguisher Servicing Class A; Grocery; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Plumber; Pool Table; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Taxicab Limited; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone 1; Combined Trades; Tree Servicing.

Adopted 1/29/2010.

Absent - Samuels.

 $\textbf{RE\&E-} Your Committee \, recommends \, passage \, of \, the \, accompanying \, resolution \, granting \, applications \, for \, Gambling \, Licenses.$

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-034, granting applications for Gambling Licenses, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-034 By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274018):

Gambling Class B

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 1624 E 57th St (Hyatt Regency Minneapolis, 1300 Nicollet Mall, January 21-23, 2010, pulltabs)

Minneapolis Riverview Lions Club, dba Minneapolis Riverview Lions Club, PO Box 6147 (Minneapolis FOE Aerie #34, 2507 E 25th St, pulltabs, pulltabs with dispensing device, tipboards, bar bingo)

Gambling Exempt

The Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Bingo January 26, 2010) Childrens Heartlink, dba Childrens Heartlink, 5075 Arcadia, Edina (Raffle February 4, 2010, Varsity Theater, 1308 4th St SE)

The Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Bingo February 16, 2010) Shir Tikvah Congregation, dba Shir Tikvah Congregation, 5000 Girard Av S (Raffle February 27, 2010)

The Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Raffle July 9 & 10, 2010). Adopted 1/29/2010.

Absent - Samuels.

RE&E-Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Northeast Social Club, 359 13th Av NE.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-035, approving License Settlement Conference recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Northeast Social Club, 359 13th Av NE, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-035 By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Northeast Social Club, 359 13th Av NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 12, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances by operating the sidewalk cafe past the allowed hours of operation on two occasions in 2009:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendation be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Provide a sidewalk cafe operation policy to Licensing due at the time of signing this agreement to include the following:
 - a. Policy and procedure regarding set up and take down of sidewalk cafe.
- b. Policy regarding allowed hours of operation and how to address patrons who may try to use the sidewalk cafe after allowed hours.

Adopted 1/29/2010.

Absent - Samuels.

RE&E-Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Car Wash License held by James on Broadway Car Wash, 1524 W Broadway.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-036, approving License Settlement Conference recommendations relating to the Car Wash License held by James on Broadway Car Wash, 1524 W Broadway, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-036 By Glidden

Approving License Settlement Conference recommendations relating to the Car Wash License held by James on Broadway Car Wash, 1524 W Broadway.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 28, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the James on Broadway Car Wash has experienced a high amount of complaints and police calls for service due to excessive loitering and illegal activities occurring in the vicinity of the business;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following business operating conditions be approved for the business licenses. It is further agreed that by signing the operating conditions, the licensee understands that any operations in violation of said conditions will result in additional adverse license actions which may include revocation, suspension, or denial of renewal of all business licenses held at this location.

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Staff will immediately ask people that are observed loitering in the immediate vicinity of the car wash to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
 - 2. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
 - 3. The business will provide a written security plan to be made available to city officials.
- 4. Owner shall comply with the standards set forth in the Surveillance Camera Ordinance. Additionally, the business will maintain exterior cameras at the facility. Signage will be displayed on the facility informing people that they are under surveillance. All cameras will be monitored by staff during all hours of operation.
- 5. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 6. Minneapolis Licenses and Consumer Services Division will stay the citation and fine of \$200 issued on July 22, 2009, provided there are no same violations within two years.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 1/29/2010.

Absent - Samuels.

RE&E – Your Committee recommends passage of the accompanying resolution declaring May 2, 2010 as Lemonade Day.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-037, declaring May 2, 2010 as Lemonade Day, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-037 By Glidden

Declaring May 2, 2010 as Lemonade Day.

Whereas, generations of young entrepreneurs have earned money and gained valuable life experience by having a lemonade stand; and

Whereas, Lemonade Day is a nationwide event that teaches youth the skills they need to be successful in business in the future; and

Whereas, by participating, youth will learn to set goals, develop a business plan, establish a budget, seek investors, provide customer service, and give back to the community; and

Whereas, Lemonade Day will provide young entrepreneurs with a backpack containing Entrepreneur Workbooks that explain budgets, securing investors, choosing locations, marketing, and customer services; and

Whereas, young entrepreneurs who have lemonade stands will need adult supervision, sponsors, investors, employees, and customers; and

Whereas, the backpacks also will include a Caring Adult Guide that will provide advice on how adults can help; and

Whereas, every school can participate and use lesson plans that highlight Minnesota's teaching objectives and combine academics and life skills to teach youth about entrepreneurship; and

Whereas, companies can become sponsors, become partners, encourage employees to get involved by distributing information or even create a company-wide family event on Lemonade Day; and

Whereas, Minneapolis will hold three major contests on Lemonade Day: Best Tasting Lemonade, Best Lemonade Stand, and Best Business; and

Whereas, young entrepreneurs keep everything they earn, but are encouraged to open a savings account, pay back investors, or make a further investment in the community by contributing to the charity of their choice; and

Whereas, the City Council encourages youth and adults to visit the Lemonade Day website at www.lemonadeday.org or the Minneapolis website at www.lemonadeday.org/public/pag411.aspx to learn how to become involved:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby declare Sunday, May 2, 2010 as Lemonade Day, and we encourage all young entrepreneurs to participate and our caring community to show its support for training the next generation of entrepreneurs through a free, fun, and engaging experience.

Be It Further Resolved that the City will waive any normal business inspections, fees, and permits for young entrepreneurs participating in Lemonade Day.

Adopted 1/29/2010.

RE&E-Your Committee, having under consideration the Rental Dwelling License for the property located at 3620 Longfellow Avenue, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Nicholas Jejel.

Adopted 1/29/2010.

Absent - Samuels.

RE&E-Your Committee, to whom was referred back from the City Council on December 18, 2009 a report relating to the Rental Dwelling License held by Mohammed Shahidullah for the property located at 607 Erie St SE, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the Rental Dwelling License be revoked, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to not exceeding the maximum number of dwelling units allowed; that the rental property not be over-occupied or illegally occupied, and that the rental property not be converted to rooming units in violation of the Housing and Zoning Codes, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 1/29/2010.

Absent - Samuels.

RE&E - Your Committee, having under consideration the property located at 1111 28th Avenue Northeast; and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Notice of the Director's Order to Demolish the property having been issued and hearings having been held by the Nuisance Condition Process Review Panel, now recommends the following:

- a. Concurrence with the recommendation of the Panel to stay the Order for Demolition to allow execution of a Restoration Agreement for the property, subject to the following conditions:
 - 1. That the restoration be consistent with the plan provided.
 - 2. That it be supervised by a licensed structural engineer.
- 3. That staff be allowed to request the opinion of a structural engineer at certain points during the rehabilitation.
 - 4. That a Landscaping Plan be approved by the Director of Inspections.
- b. Adoption of Findings of Fact, Conclusions and Recommendations, on file in the Office of the City Clerk and which are hereby made a part of this report by reference.

Adopted 1/29/2010.

Absent - Samuels.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

RE&E & W&M/Budget - Your Committee, having under consideration proposals for solar development and solar services at the Minneapolis Convention Center, now recommends that the proper City Officers be authorized to:

- a. Negotiate and execute a Solar Services Agreement (to include an associated Site Lease Agreement) with Best Power International, LLC for solar development and solar services for the Minneapolis Convention Center, 1301 2nd Avenue South.
- b. Petition the Office of Energy Security and the Public Utilities Commission to re-designate the City as the sole recipient of a \$2 million Renewable Development Fund Grant for the proposed project.
- c. If successful, accept the Renewable Development Fund Grant and draft and execute the appropriate agreements associated with the grant.

Adopted 1/29/2010.

The **RULES** Committee submitted the following reports:

RULES - Your Committee recommends that City Council Rule 4, entitled "Committee of the Whole", be amended to read as follows:

Rule 4. Committee of the Whole

- (A) The council vice-president shall chair committee of the whole meetings.
- (B) The rules of the council shall be observed in the committee of the whole so far as they may be applicable, except that the previous question shall not be enforced, nor the number or length of speeches be limited, nor any motion made except to adopt, amend, report or to rise.
- (C) Except for those matters for which a public hearing has been held, the committee chair may permit members of the public to speak at the committee of the whole meetings. After consultation with the <u>Gc</u>ouncil leadership, special events and presentations may be scheduled at the discretion of the council vice-president.
- (D) The chair of the committee of the whole shall set the agenda.
- (E) The following matters may be directly referred to committee of the whole without first having been referred to one of the <u>other</u> standing committees:
- 1. Consideration, modification and actions on the City's vision, goals and strategic directions.
- 2. Major enterprise-wide initiatives, with consent of the relevant committee chair(s).
- 3. Reports regarding the semi-annual resident survey or employee survey results.
- 4. Items that are not logically suited for another Gouncil committee, with consent of the relevant committee chair(s).
- 5. Items that require a simultaneous, initial hearing by all Council members.
- <u>6.</u> Emergency or other actions where the regular committee cycle is not adequate to meet sequencing needs.

Any matters considered by the committee of the whole under this paragraph may be referred to another standing committee by motion under the regular rules of debate. Any action of the committee of the whole under this paragraph making a recommendation to the council shall be adopted by a majority of the committee under the regular rules of debate, shall be reduced to writing, and shall be presented to the council at its meeting in the next council cycle. In the event of an emergency or where the regular council cycle is not adequate, the action may be presented at the next meeting of the city council.

(F) There shall be a subcommittee of the committee of the whole called the intergovernmental relations subcommittee which shall be comprised of all council members. That portion of the committee of the whole meeting considering matters before the intergovernmental relations subcommittee shall be chaired by the intergovernmental relations subcommittee chair. Matters before the intergovernmental relations subcommittee shall be governed by Rule 3 of these rules and all actions and reports from the subcommittee shall be presented directly to the council at its meeting in the next council cycle. In the event of an emergency or where the regular council cycle is not adequate, the action may be presented at the next meeting of the city council.

Adopted 1/29/2010.

Absent - Samuels.

RULES-Your Committee recommends that City Council Rule 11, entitled "Standing Committees", be amended to read as follows:

Rule 11. Standing Committees

(A) Standing committees are established as follows and consist of the numbers of appointed members as indicated. Members shall be appointed by majority vote of the council and shall be changed from time to time by a majority vote of the council. Except as otherwise indicated, a majority of the members of a committee shall constitute a quorum. In no case shall a council member serve simultaneously on the Community Development and Ways & Means/Budget committees.

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- (B) When the committee on taxes is serving as the board of equalization to consider applications for adjustment of assessed valuation of property, the chair may designate members of the committee to act as a hearing panel to obtain evidence and make recommendations to the entire committee which shall review the evidence and recommendations for purpose of submitting its report as the board of equalization.
- (C) Temporary appointments to fill vacancies on committees, including chairs and vice-chairs, may from time to time be made by the president pending action by the council.
- (D) When a license or license application has been referred to the committee on Public Safety and Regulatory Services Regulatory, Energy and Environment for action requiring an evidentiary hearing, the chair of the committee may designate three (3) members of the committee to act as a hearing panel, and may appoint one of the members so designated to act as chair of the hearing panel. The hearing panel shall conduct a hearing, obtain evidence, and make a report and recommendation directly to the full council.

Adopted 1/29/2010.

Absent - Samuels.

RULES - Your Committee recommends that City Council Rule 19, entitled "Public Hearings - Requirement", be amended to read as follows:

Rule 19. Public Hearings - Requirement

(A) Appointments or approvals of persons to the following positions shall be made only after a public hearing by the appropriate council committee for which adequate notice has been provided:

City Assessor

City Attorney

City Clerk

City Coordinator

City Engineer

Civil Rights Commission Member

Civil Rights Department Director

Civil Service Commission Member

Civilian Review Authority Member

Community Planning and Economic Development Department Director

Commissioner of Public Health

Fire Chief

Library Board Member

Metropolitan Sports Facilities Commission Member

Planning Commission Member

Police Chief

Adopted 1/29/2010.

Absent - Samuels.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2010 calendar year.

Your Committee further recommends approval of the continuation of the mixed-use property calculation for street improvement projects.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-038, establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2010 calendar year, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-038 By Colvin Roy

Establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2010 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998, June 12, 1998, and December 12, 2008, relating to residential and non-residential properties and relating to local and other streets; and

Whereas, the City Council adopted a policy on February 15, 2008 establishing the street resurfacing program and assessment policy relating to residential and non-residential properties; and

Whereas, the City Engineer has submitted the recommended 2010 Uniform Assessment Rates, all as contained in Petn No 274025 on file in the office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following rates are hereby established as the 2010 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2010 calendar year:

Construction (street paving, curb and gutter, and other street paving-related improvements) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.96/sqft-Non-Residential;

\$0.75/sq ft - Residential;

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.98/sqft - Non-Residential;

\$0.38/sq ft - Residential;

Resurfacing (mill and overlay of street surface only) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.49 - Non-Residential;

\$0.19 - Residential;

Alley Resurfacing (overlay concrete alleys with bituminous materials) - appropriate rate is applied to the land area of benefited parcels abutting the alley being improved:

\$0.065 - Non-Residential and Residential.

Adopted 1/29/2010.

Absent - Samuels.

T&PW - Your Committee, having under consideration special assessment deferment applications submitted by:

- a) Janel M. Rinke (Disabled Citizen) to defer the special assessment (Levy 01052, Project 10S05) for sidewalk repair in the principal amount of \$812.75 for payable 2010 and subsequent years, on the property at 5054 30th Ave S, PID 13-028-24-41-0072, legal description: Lot 15, Block 3, "Thorpe Bros Franklin Steele Grove":
- b) Carol A Blankholm (Senior Citizen) to defer the special assessment (Levy 01052, Project 10S05) for sidewalk repair in the principal amount of \$780.67 for payable 2010 and subsequent years, on the property at 5600 39th Ave S, PID 19-028-23-13-0086, legal description: The North 1/2 of Lot 1, Block 4, "George Appleby's Addition" Hennepin County, Minnesota; and
- c) Deena Poisson (Disabled Citizen) to defer the special assessment (Levy 01028, Project 10WTR) for water service line repair in the principal amount of \$8,140.00 for payable 2010 and subsequent years, on the property at 3834 Lyndale Ave N, PID 03-029-24-32-0082, legal description: Lot 24, Block 4, "Farnham's Addition to Minneapolis";

now recommends that the applications be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 1/29/2010.

Absent - Samuels.

T&PW - Your Committee, having under consideration the I-35W and Lake Street (CSAH 3) Transit Station and Access Improvement Project, now recommends that the proper City officers be authorized to execute a Cooperative Agreement with Hennepin County for cost participation in the design to a 30% level for a transit station and improved access at Lake Street and I-35W, pending satisfactory review by the City Attorney's Office.

Adopted 1/29/2010.

Absent - Samuels.

T&PW - Your Committee, having under consideration the Chicago Ave Street Reconstruction Project (Phase III), Special Improvement of Existing Street No 6382, now recommends passage of the accompanying resolution designating the location and streets to be improved in the project.

Adopted 1/29/2010.

Resolution 2010R-039, designating the improvement of certain existing streets in the Chicago Ave Street Reconstruction Project (Phase III), special Improvement of Existing Street No 6382, described hereinafter, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-039 By Colvin Roy

CHICAGO AVE STREET RECONSTRUCTION PROJECT (PHASE III) SPECIAL IMPROVEMENT OF EXISTING STREET NO 6382

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving-related improvements as needed.

Chicago Ave from 8th St S to Franklin Ave.

Adopted 1/29/2010.

Absent - Samuels.

T&PW - Your Committee, having received a cost estimate of \$4,380,000 for street reconstruction improvements and a list of benefited properties for certain locations in the Chicago Ave Street Reconstruction Project (Phase III), Special Improvement of Existing Street No 6382, as designated by Resolution 2010R-039, passed January 29, 2010, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties.

Your Committee further recommends that a public hearing be held on March 2, 2010, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the reconstruction of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 1/29/2010.

Absent - Samuels.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for the abatement of graffiti that cannot be successfully abated by the Division of Solid Waste and Recycling staff.

Adopted 1/29/2010.

Absent - Samuels.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolutions:

- a) Receiving and accepting the final costs of Paving and Bridge Operations and project work and adjusting the capital appropriation as necessary to close out the projects, and reallocating excess Net Debt Bonds to the 2010 Parkway Paving Project; and
- b) Requesting the concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds.

Adopted 1/29/2010.

Resolution 2010R-040, receiving and accepting the final costs of various Paving and Bridge Operations and project work and adjusting the capital appropriation as necessary thereby closing the projects, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-040 By Colvin Roy and Hodges

Receiving and accepting the final costs of various Paving and Bridge Operations and project work and adjusting the capital appropriation as necessary thereby closing the projects.

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in the following Paving and Bridge Operations and project work for the total amount specified be received and accepted, and that the capital appropriation be adjusted as specified thereby closing the projects:

- a) All paving operations work related to the 2008 Alley Renovation Project for a total cost of \$247,036.02. There is no remaining paving operations capital appropriation for 04100-9010937, Project CPV806:
- b) All parkway paving operations work related to the 2008 Columbia Parkway Project for a total cost of \$229,758.25. Paving operations capital appropriation for 04100-9010937, Project CPV801PVCP (original appropriation of \$500,000.00) should be decreased by \$270,241.75 and excess Net Debt Bonds shall be re-designated in the amount of \$270,241.75; and
- c) All bridge operations work related to 2008 Major Bridge Repair and Rehabilitation for a total cost of \$500,000.00. There is no remaining bridge operations capital appropriation for 04100-9010938 Project CBR801.

Be It Further Resolved that as a result of the close-out of the 2008 Columbia Parkway Project, noted in part (b) above, \$270,241.75 of Net Debt Bonds becomes available for re-allocation. This entire amount shall be re-allocated to the Parkway Paving Project (04100-9010937 CPV1001) with an increase to the appropriation and revenue budget.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-041, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$270,241.75, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-041 By Colvin Roy and Hodges

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$270,241.75.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the total amount of \$270,241.75 from the following project:

- 2008 Columbia Parkway Project (04100-9010937 CPV801PVCP); to the following project:
- 2010 Parkway Paving Project (04100-9010937 CPV1001). Adopted 1/29/2010.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a new three-year contract with the Hennepin County Sentencing to Service Program, with a not-to-exceed three-year contract total of \$530,250 (\$175,000 per year for 2010 and 2011; and \$180,250 for 2012), to perform routine maintenance of City-owned property. Funding for this service has been included in the Property Services Operating Budget (06200-6800420). No additional appropriation is required.

Adopted 1/29/2010.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the abandonment and removal of an areaway located at 250 3rd Ave N in conflict with the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project, Special Improvement of Existing Street No 9882, now recommends that the proper City officers be authorized to execute Change Order No 1 in the amount of \$25,385, and Change Order No 2 in the amount of \$695, to Contract C-26854 with Construction Results Corporation, to cover additional work not included in the original scope of the contract.. All costs will be assessed to the property owner who has approved the change orders.

Adopted 1/29/2010.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a state grant in the amount of \$1,000,000, administered through the Metropolitan Council, to complete improvements on Victory Memorial Pkwy.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the project by \$1,000,000.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-042 By Colvin Roy and Hodges

Amending The 2010 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Traffic and Parking Services Field Operations Capital Fund (04100-9010943) by \$1,000,000, to be 100% reimbursed by Metropolitan Council grant funding (04100-9010943-32250).

Adopted 1/29/2010.

Absent - Samuels.

- **T&PW & W&M/Budget** Your Committee, having under consideration the Camden Bridge Rehabilitation Project, which received a \$10,000,000 federal grant as part of the American Recovery and Reinvestment Act (ARRA), as set forth in Resolution 2009R-402, now recommends:
- a) Acceptance of the apparent low bid submitted to the Public Works Department on OP No 7230 from Lunda Construction Co., in the amount of \$10,339,618.20, to furnish all labor, materials, equipment, permits, and incidentals necessary to accomplish the rehabilitation of the Camden Bridge;
- b) That the proper City officers be authorized and directed to execute a contract for said service in accordance with specifications, contingent upon the approval of the Minnesota Department of Transportation (Mn/DOT), including Mn/DOT Civil Rights EEO Office; and
- c) That in the event the apparent low bidder is disqualified, that the proper City officers be authorized to negotiate and execute a contract with the lowest bidder approved by Mn/DOT.

Adopted 1/29/2010.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

- a) OP 7204, Accept low bid meeting the specifications of Thane Hawkins Polar Chevrolet, Inc., in the amount of \$69,531, to furnish and deliver a 2010 Chevrolet Silverado cab and chassis, 29 foot aerial platform truck to the Public Works Department;
- b) OP 7229, Accept low bid of Highway Technologies, Inc., for an estimated annual expenditure of \$1,000,000, to furnish and deliver rental work zone traffic devices through December 31, 2010; and
- c) OP 7234, Accept low bid of Veit and Company, Inc., for an estimated annual expenditure of \$600,000, to furnish the disposal of clean fill and asphalt.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 1/29/2010.

Absent - Samuels.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration the Appeal of the Case of *Brayton*, et al. v. Pawlenty, et al. (The Unallotment Case), now recommends passage of the accompanying resolution requesting the City Attorney to file an Amicus Brief in support of the district court opinion. Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-043, requesting the City Attorney to file an amicus brief in the Appeal of the Case of *Brayton*, *et al.* v. *Pawlenty*, *et al.* (The Unallotment Case), was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-043 By Hodges

Requesting the City Attorney to file an amicus brief in the Appeal of the Case of *Brayton*, et al. v. Pawlenty, et al. (The Unallotment Case).

Whereas, Deanna Brayton and others sued Governor Tim Pawlenty and others in Ramsey County District Court in the case of Brayton et al. v. Pawlenty, et al., challenging the Governor's use of unallotment to reduce funding for Minnesota Supplemental Aid and the Renter Property Tax Fund; and

Whereas, on December 30, 2009, the District Court enjoined the Governor's use of unallotment to reduce funding for Minnesota Supplemental Aid and the Renter Property Tax Fund; and

Whereas, the Governor has filed an appeal of this decision to the Minnesota Court of Appeals; and Whereas, the Governor also used unallotment to reduce funding for Local Government Aid resulting in a lost of \$8.5 million in 2009 and \$21.3 million in 2010 for the City of Minneapolis; and

Whereas, it is in the City's interest to file an amicus brief ("friend of the court") brief in this case supporting the District Court's decision.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council and the Mayor direct the City Attorney to, either singly or jointly, pursue filing of an amicus brief in the Court of Appeals in the case of *Brayton*, et al. v. Pawlenty, et al. in support of the Oistrict Court decision.

Adopted 1/29/2010.

W&M/Budget - Your Committee, having under consideration Downtown Improvement District Grant Award, now recommends the following:

- a) Acceptance of Downtown Improvement District Grant Award in the amount of \$85,000 to execute a grant contract with the Downtown Improvement District to implement a downtown chronic offender prosecution program "Downtown 100";
 - b) Authorize establishment of a new Assistant City Attorney I position; and
 - c) Passage of the accompanying resolution appropriating funds.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-044 By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) Increasing the appropriation in the Attorney Criminal Division in the Grants Federal Fund (01300-1400100) by \$85,000; and
 - b) Increasing the revenue budget in (01300-1400100) by \$85,000.

Adopted 1/29/2010.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the Port Security Camera System, now recommends authorizing proper City officers as follows:

- a) Execute a contract with Pro-Tec Design for the build-out of the Port Security at a cost of \$950,000. Initial build-out of the camera system funded from the Office of Justice Program Grant (2007-GB-T7-0206); and
- b) Execute said contract with a three-year term and two additional one-year options to renew with a not-to-exceed amount of \$2,500,000 to encompass replacement and/or future expansion of the City's public safety cameras.

Adopted 1/29/2010.

Absent - Samuels.

W&M/Budget - Your Committee recommends that proper City officers be authorized to amend the USI Wireless Contract C-23781 increasing the contract by \$440,000 to expand the Wi-Fi network along the Port Authority and Mississippi River corridor to allow connectivity to the Port Security Camera System (Petn 274029). No additional appropriation required.

Adopted 1/29/2010.

Absent - Samuels.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing 911 Director, Heather Hunt to accept a donation for travel and lodging expenses (valued at \$755) from Higher Ground, Inc. to give a presentation on the I-35W Bridge Collapse at an annual sales meeting in California on February 11, 2010.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-045 By Hodges

Accepting a donation from Higher Ground, Inc. for travel and lodging expenses.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation for travel and lodging expenses, valued at \$755 from Higher Ground, Inc. to give a presentation on February 11, 2010.

Adopted 1/29/2010.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration Bush Foundation Grant Award, now recommends the following:

- a) Authorize the Neighborhood and Community Relations Department to accept the grant award in the amount of \$100,000 for a pilot project focusing on connecting new immigrants and refugees to widely varied resources and services and support connections within the community; and
 - b) Passage of the accompanying resolution appropriating funds.

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTION 2010R-046 By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) Increasing the appropriation in the Neighborhood and Community Relations Department in the Grants Other Fund (01600-8450100) by \$100,000; and
 - b) Increasing the revenue budget in (01600-8450100) by \$100,000.

Adopted 1/29/2010.

Absent - Samuels.

The ZONING & PLANNING Committee submitted the following report:

- **Z&P** Your Committee recommends concurrence with the recommendation of the Mayor to approve the following appointments to the Minneapolis Arts Commission, for terms to run February 1, 2010 December 31, 2011:
 - a) Sarah Rust Sampedro (Ward 6), and
 - b) Howard Merriam (Ward 13).

Your Committee further recommends concurrence with the recommendation of the City Council to approve the following appointments for terms to run February 1, 2010 - December 31, 2011:

- c) Kenneth Koense (Ward 2),
- d) Rachael Crew (Ward 13), and
- e) Ellen Stein (Ward 1).

Adopted 1/29/2010.

Absent - Samuels.

RESOLUTIONS

Resolution 2010R-047, honoring the 2010 Reverend Dr. Martin Luther King, Jr. Essay Contest winners, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-047

By Johnson, Lilligren, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Reich, Samuels, Schiff, Tuthill and Quincy

Honoring the 2010 Reverend Dr. Martin Luther King, Jr. Essay Contest winners.

Whereas, the Minneapolis Commission on Civil Rights was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the City through the prevention and elimination of bias and discrimination; and

Whereas, the Reverend Dr. Martin Luther King, Jr. believed that liberty, justice and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Reverend Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, became a national hero whose birthday has been declared a national holiday by his nation's government; and

Whereas, Reverend Dr. Martin Luther King Jr. inspired people and nations world-wide to strive in non-violent manners for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Commission on Civil rights established the Annual Rev. Dr. Martin Luther King, Jr. Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh and eighth grade students who reside in Minneapolis were eligible to participate by submitting one essay with their answers to this topic and question: "Read and study the articles in the Human Rights Document booklet and relate this information to your own life experiences. What are the three most important human rights lessons you have learned from association with your family and friends and persons of other cultures in school or neighborhood? Write why they are important and tell how you think these lessons could influence your future life.", and

Whereas, the Minneapolis Commission on Civil Rights selected the following prize winners from each grade level:

8th Grade:

1st place – Coresha Spraggins-Clemons, Anne Sullivan 2nd place – Greta Hansen, Anwatin Middle 3rd place – QueNikki Ternoir, Anne Sullivan

7th Grade:

1st place – Matisse Rogers, Anthony Middle 2nd place – Erica Carney, Anthony Middle 3rd Place – Katherine Grathwol, Anthony Middle

6th Grade:

1st place – Xaviera Wilson, Sister Academy 2nd place – Emma Nelson, Lake Harriet 3rd place – Aubryn Hauge, Lake Harriet

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council honors and appreciates all of those students who participated in the 2010 Martin Luther King Essay Contest, and gives special recognition to those who won 1st, 2nd and 3rd places.

Adopted 1/29/2010. Absent - Samuels. Resolution 2010R-048, honoring Annie Warhol, School Based Clinic Office Specialist, for outstanding service to City of Minneapolis and young people in Minneapolis, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-048

By Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Johnson, Lilligren, Quincy, Reich, Samuels, Schiff and Tuthill

Honoring Annie Warhol, School Based Clinic Office Specialist, for outstanding service to City of Minneapolis and young people in Minneapolis.

Whereas, Annie Warhol began working in the city health department on September 4, 1962 and has worked for the City of Minneapolis nearly 48 years, supporting the maternal child health and school based clinics to provide quality health care to thousands of families and youth; and

Whereas, Annie Warhol is an exceptional clinic asset ensuring the school based clinics provides quality and respectful care to adolescents in the Minneapolis Public Schools; and

Whereas, Annie Warhol is recognized by her peers and teenage clients as always being friendly, kind and understanding; and

Whereas, Annie Warhol is extremely knowledgeable and skilled and she has trained many new office support and medical assistants in the school based clinics; and

Whereas, Annie Warhol has impeccable dedication to her work and has been an invaluable asset supporting the work of several clinic Doctors, Nurse Practitioners, Registered Nurses, Mental Health Counselors, Social Workers, Nutritionists, Laboratory and other clinical staff; and

Whereas, Annie Warhol has been a life long learner, developing new skills as demanded by an ever changing work environment; and

Whereas, Annie Warhol has been very resourceful in repairing old equipment, recycling paper and supplies to ensure we are efficient; and

Whereas, Annie Warhol has donated sick time anonymously to many city workers who were very ill and ran out of sick time, her generosity has helped countless city employees throughout the years; and

Whereas, Annie Warhol has the longest tenure in the City as well as never had a single sick day in 48 years;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Annie Warhol is commended for her tireless commitment and allegiance to health department clinics and the families and adolescents in Minneapolis, and ask all to join in wishing her well as she begins her retirement.

Adopted 1/29/2010.

Absent - Samuels.

Resolution 2010R-049, honoring Marie Hoyos and Maria's Café in the City of Minneapolis on its 10th Anniversary of Operations, was adopted 1/29/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-049

By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Honoring Marie Hoyos and Maria's Café in the City of Minneapolis on its 10th Anniversary of Operations.

Whereas, Maria Hoyos left Columbia with her sons, eight-year old Pablo and ten-year old Juan in 1978, to come to Minnesota to join her sister Batrice, to gain a better life and education prospects for her young sons; and

Whereas, Maria began her restaurant career locally at Best Steakhouse, opened a restaurant she co-owned at 38th Street and Grand Avenue, then opened her own establishment at Lyndale Avenue and 48th Street, which she ran between 1990 and 2000; and

Whereas in the spring of 1999, when Maria considered taking a chance by opening a restaurant at 1113 East Franklin Avenue, her now grown sons were concerned about their mother working in a then dangerous and drug-infested area, Maria, with her characteristic vision and entrepreneurial spirit, saw the potential for a breakfast and lunch restaurant there; and

Whereas, in 2000, Maria opened Maria's Café with backing from the American Indian Neighborhood Development Corporation (AINDC) and Associated Bank and the City of Minneapolis, and AINDC helped Maria assemble her financing and approvals as one of the first committed tenants of the Ancient Trader's Market redevelopment project, under the leadership of Theresa Carr; and

Whereas, when a year after opening Maria's Café, Franklin Avenue was closed for 4 months in front of the restaurant for reconstruction and improvements, Maria sustained her business by expanding her operations by finding catering jobs; and

Whereas, The City of Minneapolis, AINDC and other partners helped finance the continued improvements and expansion when Maria's doubled its space in 2003; and

Whereas, Maria's Café started with a tiny staff that included only Maria, a cook, a waitress, and a dishwasher in the year 2000, and the business has grown to some 20 employees, many who live and raise families in the nearby Minneapolis neighborhoods; and

Whereas, Maria counts the local residents, the Native American community, Allina/Abbott Northwestern employees, and the University of Minnesota staff and students among her most loyal customers; and

Whereas, Maria's Café has become a mainstay of revitalizing the East Franklin corridor and provides a place in the Ventura Village Neighborhood for communities to mix together and for residents, workers, business executives, politicians and others to "see and be seen" and that customers say they are willing to drive an hour for a bite of her famous corn pancakes; and

Whereas, Maria's family has supported her efforts for ten years; Maria's son Pablo is now a sales executive with Starkey Hearing and Juan is a Ramsey County prosecutor and the President of the Ramsey County Bar Association, and she has two wonderful grandchildren: Fausto and Giovanni; and

Whereas, the history of Maria Hoyos' family in this country and of Maria's Cafe is representative of a familiar story of immigrant arrivals, investments and entrepreneurialism that first established the City of Minneapolis, and more recently has revitalized some of the city's most challenged areas, and is a story which is hoped to continue all around our City;

Now Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we congratulate Maria Hoyos and her family and employees on the 10th Anniversary of Maria's Café, and thank her for her dedication to improving the City of Minneapolis.

Be It Further Resolved that the City Council of the City of Minneapolis wishes Maria, her family, her employees and her many loyal customers continued success, health and happiness.

Adopted 1/29/2010.

Absent - Samuels.

UNFINISHED BUSINESS

Pursuant to previous notice, Schiff moved to introduce the subject matter of an ordinance amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets, for first reading and referral to the Regulatory, Energy & Environment Committee (amending the definition of public market to allow a public market to be indoors or outdoors). Seconded.

Adopted upon a voice vote 1/29/2010.

Pursuant to previous notice, Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Regulatory, Energy & Environment Committee (granting the City the authority to recommend revocation of a rental license upon refusal by a licensee to cooperate with the State EPA contamination cleanup order on a residential rental lot). Seconded.

Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Pursuant to previous notice, Goodman moved to introduce the subject matter of ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to Food Code, for first reading and referral to the Regulatory, Energy & Environment Committee (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 186 relating to Food Code: In General;
- b) Amending Chapter 188 relating to Food Code: Administration and Licensing. Seconded. Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Pursuant to previous notice, Goodman moved to introduce the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to relating to Licenses and Business Regulations: In General, for first reading and referral to the Regulatory, Energy & Environment Committee (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors). Seconded.

Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Pursuant to previous notice, Goodman moved to introduce the subject matter of ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks, for first reading and referral to the Transportation & Public Works Committee (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 427 relating to Streets and Sidewalks: In General;
- b) Amending Chapter 430 relating to Streets and Sidewalks: Right-Of-Way Permits;
- c) Amending Chapter 439 relating to Streets and Sidewalks: Nicollet Mall;
- d) Amending Chapter 442 relating to Streets and Sidewalks: Downtown Special Service District;
- e) Amending Chapter 448 relating to Streets and Sidewalks: Nicollet Avenue South Special Service District:
- f) Amending Chapter 465 relating to Streets and Sidewalks: Downtown Business Improvement Special Service District. Seconded.

Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Pursuant to previous notice, Goodman moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 520 relating to Zoning Code: Introductory Provisions;
- b) Amending Chapter 535 relating to Zoning Code: Regulations of General Applicability;
- c) Amending Chapter 536 relating to Zoning Code: Specific Development Standards:
- d) Amending Chapter 548 relating to Zoning Code: Commercial Districts;
- e) Amending Chapter 549 relating to Zoning Code: Downtown Districts. Seconded. Adopted upon a voice vote.

Absent - Samuels.

Vice President Lilligren assumed the Chair.

NEW BUSINESS

Johnson moved to request unanimous consent to introduce an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, that Section 20.456(b) and Section 20.900 be amended to extend the provision providing for a contribution to the employee's Health Reimbursement Arrangement Plan account through February 2010. Seconded.

Adopted 1/29/2010.

Absent - Samuels.

Johnson moved that an ordinance amending Title 2, Chapter 20, Section 20.456(b) and Section 20.900 of the Minneapolis Code of Ordinances relating to Administration: Personnel, to extend the provision providing for a contribution to the employee's Health Reimbursement Arrangement Plan account through February 2010, be given its second reading for amendment and passage. Seconded.

Adopted 1/29/2010.

Absent - Samuels.

Ordinance 2010-Or-004 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.456(b) and Section 20.900 to be amended to extend the provision providing for a contribution to the employee's Health Reimbursement Arrangement Plan account through February 2010, was adopted 1/29/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-004 By Johnson Intro & 1st Reading: 1/29/2010 2nd Reading: 1/29/2010

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 20.456(b) of the above-entitled ordinance be amended to read as follows: 20.456. 2005 Severance pay for appointed employees.

- (b) In addition to the severance payment in paragraph (a), for those appointed employees who are removed, provide the city the general release required in paragraph (a) and do not accept another city position, the city will pay the following:
 - (1) Beginning April 1, 2009.
 - a. If the appointed employee has medical coverage or medical and dental insurance coverage on the date of removal and the appointed employee elects to continue medical insurance through the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or medical and dental insurance through COBRA, the following contribution to the employee's Health Reimbursement Arrangement Plan account:

1st Month of	Contribution Medical Coverage Level	
COBRA Eligibility	Single	Family
May 2009	\$1,430	\$4,470
June 2009	\$1,450	\$4,540
July 2009	\$1,470	\$4,600
August 2009	\$1,490	\$4,670
September 2009	\$1,520	\$4,740

October 2009	\$1,540	\$4,800
November 2009	\$1,560	\$4,870
December 2009	\$1,580	\$4,940
January 2010 through March 2010	\$1,600	\$5,000

b. If the appointed employee has only dental insurance coverage on the date of removal and the appointed employee elects to continue dental insurance through COBRA, one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the dental plan in effect on the date of the removal.

The terms of this section 20.456(b)(1) will expire on December 31, 2009 February 28, 2010.

- (2) Beginning January 1, 2010 <u>March 1, 2010</u>.
 - a. If the appointed employee elects to continue medical insurance through COBRA, one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the medical plan in effect on the date of the removal.
 - b. If an employee elects to continue dental insurance through COBRA, one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the dental plan in effect on the date of the removal.

Section 2. That Section 20.900 of the above-entitled ordinance be amended to read as follows: **20.900.** Insurance continuation. (a) Beginning April 1, 2009. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance.

(1) If an employee has medical coverage or medical and dental insurance coverage on the date of layoff and the employee elects to continue medical insurance through COBRA or medical and dental insurance through COBRA, the city shall make the following contribution to the employee's Health Reimbursement Arrangement Plan account:

	Contribution Medical Coverage Level		
1st Month of			
COBRA Eligibility	Single	Family	
May 2009	\$1,430	\$4,470	
June 2009	\$1,450	\$4,540	
July 2009	\$1,470	\$4,600	
August 2009	\$1,490	\$4,670	
September 2009	\$1,520	\$4,740	
October 2009	\$1,540	\$4,800	
November 2009	\$1,560	\$4,870	
December 2009	\$1,580	\$4,940	
January 2010 through March 2010	\$1,600	\$5,000	

(2) If an employee has only dental insurance coverage on the date of layoff and the employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.

The terms of this section 20.900(a) will expire on December 31, 2009 February 28, 2010.

- (b) Beginning January 1, 2010 March 1, 2010. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance:
 - (1) If an employee elects to continue medical insurance through COBRA, the city shall pay one hundred (100) percent of the premium for medical insurance for the first six (6) months

- of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect on the date of the layoff.
- (2) If an employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.

The terms of section 20.900(b) will expire on December 31, 2011. The city council must take specific action to extend the terms of section 20.900(b) relating to the continuation of insurance benefits if the city council wants those specific insurance benefits to apply to laid off employees after December 31, 2011.

Adopted 1/29/2010.

Absent - Samuels.

President Johnson resumed the Chair.

Goodman moved to nominate the property known as the Henry E. Ladd House, 131 Oak Grove, Minneapolis, for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Historic Preservation Commission no later than April 20, 2010. Seconded.

Adopted 1/29/2010.

Absent - Samuels.

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority* (amending Section 48.20 to include Minnesota Rules, Chapter 9220 relating to Waste Tire Programs to allow for the enforcement of record keeping requirements of tire retailers as well as Minnesota Pollution Control Agency Identification requirements of tire haulers).

Goodman moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (to allow overnight shelters as a principal use in specific geographic areas within downtown), as follows:

Amending Chapter 520 relating to Zoning Code: Introductory Provisions;

Amending Chapter 551 relating to Zoning Code: Overlay Districts. Seconded.

Adopted 1/29/2010.

Absent - Samuels.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Lemon v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 1/29/2010.

Absent - Samuels.

Room 315 City Hall

Minneapolis, Minnesota

January 29, 2010 - 10:55 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Gordon, President Johnson.

Absent - Council Members Samuels, Reich, Hofstede.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Lemon v. City of Minneapolis* lawsuit.

At 10:56 a.m., Schiff moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Samuels, Reich, Hofstede.

Present - Council Members Schiff (out 11:21-11:26 a.m.), Lilligren, Colvin Roy (out at 11:27 a.m.), Tuthill, Quincy, Glidden, Goodman, Hodges, Gordon, Hofstede (in at 10:57 a.m.), President Johnson. Absent – Council Member Samuels, Reich.

Also present - Susan Segal, Peter Ginder and Jim Moore, City Attorney's office; Alex Jackson, John Fruetel and Cherie Penn, Fire Department; Mayor R.T. Rybak; Steve Ristuben and Irene Kasper, City Clerk's office.

Moore summarized the Lemon v. City of Minneapolis lawsuit from 10:56 a.m. to 11:31 a.m.

At 11:31 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Samuels, Reich.

Hodges moved to approve settlement of the case of *Kristina Lemon v. the City of Minneapolis*, Hennepin County District Court File No. 27-CV-08-11976 with payment of \$350,000.00 to Kristina Lemon and her attorney, Halunen & Associates. The payment shall be from Fund/Org. 06900-1500100-145280. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 1/29/2010.

Absent - Colvin Roy, Samuels, Reich.

Approved by Mayor Rybak 1/29/2010.

(Published 2/2/2010)

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Samuels, Reich.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 2/2/2010 Official Posting: 2/5/2010